

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES,
Plaintiff,**

v.

CRIM. NO. 00-001 (PG)

**[2] DALE CHESTER BROWNE, and
[5] BASILIO RIVERA RODRIGUEZ
Defendants.**

MOTION TO SHOW CAUSE FOR DISPOSITION OF SEIZED FIREARM

TO THE HONORABLE COURT:

COMES NOW, the United States of America, by and through the undersigned attorneys, and respectfully states and prays as follows:

Defendants, Dale Chester Browne and Basilio Rivera Rodriguez, were charged by Indictment on January 7, 2000, with money laundering and narcotics related offenses. Both defendants possessed firearms when they were arrested. The investigating agency, the Federal Bureau of Investigation, now seeks to destroy those weapons.

Browne was arrested on January 11, 2000. Two (2) weapons, an Intratec sport caliber .22 with serial number K002160 and an Interarms Star .9 mm firestar pistol with serial number 1957976, were seized by authorities at the his residence located at Urbanization del Lago, E-1 Guajataca Street, Caguas, P.R.

Browne was interviewed by agents of the Federal Bureau of Investigation after his apprehension and did not claim ownership of the weapons. Agents had no information that the weapons were

otherwise reported lost or stolen.

On May 18, 2001, defendant Browne was found guilty of conspiracy to possess narcotics and money laundering in a Superseding Indictment. He was sentenced on May 18, 2001, to 264 months of imprisonment and an additional 6 months to run consecutive after having been found in contempt.

He appealed and on February 27, 2003, the U.S. Court of Appeals issued an Informal Mandate vacating the judgment of contempt and the additional six-month sentence and remanding for such proceedings the district court may choose to direct. On April 11, 2003, the case was called for re-sentence and the district court reiterated its conviction and contempt findings. The defendant was re-sentenced to the same terms and conditions imposed on May 18, 2001. On October 4, 2004, the district court entered an amended judgment as to Dale Chester Browne, to 264 months of imprisonment for the counts of conspiracy to possess narcotics and money laundering, and an additional 3 months to run consecutive for contempt. The final judgment was entered on October 5, 2004.

On October 18, 2004, Browne filed a motion to vacate under 28 U.S.C. 2255. On July 11, 2005, the district court entered judgment on motion to vacate. Motions were terminated as to defendant. The case was closed.

Neither Browne nor anyone else claiming ownership of the weapons has contacted the government and made inquiries or requested that they be returned.

Defendant, Basilio Rivera-Rodríguez, was charged in the subject Indictment with money laundering, continuing criminal enterprise and distributing controlled substances. An arrest warrant was issued on January 7, 2000, and he was arrested on January 11. Two (2) weapons, a Smith Wesson Model 65 with serial number 7D78624 and a V10 Ultra Pistol .45 caliber with serial number HC369540, were seized by authorities at defendant's residence locate at Urbanization Las Vistas, D

89, Calle 3, P.R.

Rivera-Rodríguez was interviewed by agents of the Federal Bureau of Investigation after his apprehension. The defendant did not claim ownership of the weapons. Agents had no information that the weapon was otherwise reported lost or stolen.

Defendant was found guilty of money laundering and continuing criminal enterprise on January 22, 2001. He was sentenced on June 27, 2001, to 57 months imprisonment and a supervised released term of 3 years. He appealed. On August 13, 2003, the U.S. Court of Appeals entered judgment, issued as Informal Mandate, as to Basilio Rivera-Rodríguez affirming the judgment. No further appeal is pending.

Neither Rivera-Rodríguez nor anyone else claiming ownership of the weapons has contacted the government and made inquiries or requested that they be returned.

WHEREFORE, the United States of America respectfully requests that this Honorable Court grant its motion and order defendants to show cause why the FBI should not destroy the weapons identified above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of May, 2007.

Rosa Emilia Rodríguez-Vélez
United States Attorney

s/ Vernon Benét Miles
Vernon Benét Miles
Assistant U.S. Attorney
PR #219303
Torre Chardón, Suite 1201
350 Chardon Ave.
San Juan, PR 00918
Tel. (787) 766-5656

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the captioned motion was sent on the above referenced date by regular mail and electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing as follows:

Ramón L. Garay-Medina, Esq.
Garay Medina Law Office,
Suite 200, Arzuaga # 3
San Juan, P.R. 00925

Nicolas Nogueras-Cartagena, Esq.
Nicolas Nogueras Law Offices
P.O. Box 195386
San Juan, P.R. 00919-5386

s/ Vernon Benét Miles
Vernon Benét Miles
Assistant U.S. Attorney